

SECTION 18

18. CODE OF CONDUCT FOR MEMBERS

Part 1 - Interpretation

18.1 Interpretation

18.1.1 In this code:

“Co-Opted Member” in relation to a relevant authority, means a person who is not a Member of the Authority but who:

- (a) is a member of any committee or sub-committee of the Authority; or
- (b) is a member of, and represents the Authority on, any joint committee or joint sub-committee of the Authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” means any meeting:

- (a) of the relevant authority;
- (b) of any Executive or board of the relevant authority;
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any Executive or board of the Authority; or
- (d) where Members or Officers of the relevant authority are present other than a meeting of a political group constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990.

“Member” includes, unless the context requires otherwise, a Co-Opted Member;

- “register of Members’ interests” means:
the register established and maintained under Section 81 of the Local Government Act 2000
- “relevant authority” means:
- (a) a county council;
 - (b) a county borough council;
 - (c) a community council;
 - (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies;
 - (e) a National Park authority established under section 63 of the Environment Act 1995(3);
- “you” means you as a Member or Co-Opted Member of a relevant authority; and
- “your authority” means the relevant authority of which you are a Member or Co-Opted Member.

18.1.2 In relation to a community council -

- (a) “Proper Officer” means an officer of that council within the meaning of Section 270(3) of the Local Government Act 1972 and
- (b) “Standards Committee” means the Standards Committee of the county or county borough council which has functions in relation to the community council for which it is responsible under Section 56(1) and (2) of the Local Government Act 2000.

Part 2 – General Provisions

18.2 **General Provisions**

- 18.2.1 Save where paragraph 18.2.3 applies, you must observe this Code of Conduct:
- (a) whenever you conduct the business, or are present at a meeting, of your authority;
 - (b) whenever you act, claim to act or give the impression you are acting in the role of Member to which you were elected or appointed;

- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 18.2.6 and 18.2.8.

18.2.2 You should read this Code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

18.2.3 Where you are elected, appointed or nominated by your authority to serve:

- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the Code of Conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its Members, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

18.2.4 You must:

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

18.2.5 You must not:

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

18.2.6 You must:

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another Member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of

this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

- (c) report to your authority's Monitoring Officer any conduct by another Member which you reasonably believe breaches this Code of Conduct;
- (d) not make vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, your authority.

18.2.7 You must comply with any request of your authority's Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

18.2.8 You must not:

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority:
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

18.2.9 You must:

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's Officers, in particular by:
 - (i) the authority's Head of Paid Service;
 - (ii) the authority's Chief Finance Officer;
 - (iii) the authority's Monitoring Officer;
 - (iv) the authority's Chief Legal Officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the

authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

18.2.10 You must:

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a Member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

Part 3 - Interests

18.3 Interests

18.3.1 Personal Interests

- (a) You must in all matters consider whether you have a personal interest, and whether this Code of Conduct requires you to disclose that interest.
- (b) You must regard yourself as having a personal interest in any business of your authority if:
 - (i) it relates to, or is likely to affect:
 - (A) any employment or business carried on by you;
 - (B) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (C) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a Member;
 - (D) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (E) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director or a body of the description specified in paragraph (D) above;

- (F) any land in which you have a beneficial interest and which is in the area of your authority;
 - (G) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in paragraph (D) above;
 - (H) any body to which you have been elected, appointed or nominated by your authority;
 - (I) any:
 - 1 public authority or body exercising functions of a public nature;
 - 2 company, industrial and provident society, charity, or body directed to charitable purposes;
 - 3 body whose principal purposes include the influence of public opinion or policy;
 - 4 trade union or professional association; or
 - 5 private club, society or association operating within your authority's area,
in which you have membership or hold a position of general control or management;
 - (J) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for twenty eight days or longer;
- (ii) a decision upon it might reasonably be regarded as affecting:
- (A) your wellbeing or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (B) any employment or business carried on by persons as described in (A);
 - (C) any person who employs or has appointed such persons described in (A), any firm in which they are a partner, or any company of which they are directors;
 - (D) any corporate body in which persons as described in (A) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

- (E) any body listed in paragraphs 18.3.1(b)(i)(I) (1) to (5) in which persons described in (A) hold a position of general control or management,

to a greater extent than the majority of:

- 1 in the case of an authority with electoral divisions or wards, other Council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- 2 in all other cases, other Council taxpayers, ratepayers or inhabitants of the authority's area.

18.3.2 Disclosure of Personal Interests

- (a) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (b) Where you have a personal interest in any business of your authority and you make:
 - (i) written representations (whether by letter, facsimile or some other form of electronic communication) to a Member or Officer of your authority regarding that business, you should include details of that interest in the written communication; or
 - (ii) oral representations (whether in person or some form of electronic communication) to a Member or Officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within fourteen days of the representation.
- (c) Subject to paragraph 18.3.5(ii) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (d) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to paragraph 18.3.2(a), give written notification to your authority in accordance with any requirements identified by your authority's Monitoring Officer, or in relation to a community council, your authority's Proper Officer, from time to time but, as a minimum containing:
 - (i) details of the personal interest;

- (ii) details of the business to which the personal interest relates; and
 - (iii) your signature.
- (e) Where you have agreement from your Monitoring Officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 18.4.2, your obligations under this paragraph 18.3.2 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
- (f) For the purposes of paragraph 18.3.2(d), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a Member of your authority.
- (g) For the purposes of paragraph 18.3.2(c), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

18.3.3 Prejudicial Interests

- (a) Subject to paragraph 18.3.3(b) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (b) Subject to paragraph 18.3.3(c), you will not be regarded as having a prejudicial interest in any business where that business:
 - (i) relates to:
 - (A) another relevant authority of which you are also a Member;
 - (B) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (C) a body to which you have been elected, appointed or nominated by your authority;
 - (D) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
 - (E) your role as a Member of a Local Health Board where you have not been appointed or nominated by your authority;
 - (ii) relates to:

- (A) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (B) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in fulltime education, unless it relates particularly to the school which that child attends;
 - (C) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (D) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under Section 18 of the Local Government and Housing Act 1989.
- (iii) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.
- (c) The exemptions in paragraph 18.3.3(b) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

18.3.4 Overview and Scrutiny Committees

You also have a prejudicial interest in any business before a Scrutiny Committee where:

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's Executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a Member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in paragraph 18.3.4(a) and you were present when that decision was made or action was taken.

18.3.5 Participation in Relation to Disclosed Interests

- (a) Subject to paragraphs 18.3.5(b) (bA), (c) and (d), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's Standards Committee:
 - (i) withdraw from the room, chamber or place where a meeting considering the business is being held:
 - (A) where paragraph 18.3.5(b) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (B) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
 - (ii) not exercise executive or board functions in relation to that business;
 - (iii) not seek to influence a decision about that business;
 - (iv) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
 - (v) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (b) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (bA) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.
- (bB) When submitting written representations under sub-paragraph (bA) you must comply with a procedure that your authority may adopt for the submission of such representations.
- (c) Paragraph 18.3.5(a) does not prevent you attending and participating in a meeting if:

- (i) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
- (ii) you have the benefit of a dispensation provided that you:
 - (A) state at the meeting that you are relying on the dispensation; and
 - (B) before or immediately after the close of the meeting give written notification to your authority containing:
 - 1 details of the prejudicial interest;
 - 2 details of the business to which the prejudicial interest relates;
 - 3 details of, and the date on which, the dispensation was granted; and
 - 4 your signature.
- (d) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within fourteen days of making the representation.

Part 4 – The Register of Members’ Interests

18.4 Registration of Personal Interests

18.4.1(a) Subject to sub-paragraph 18.4.1(d), you must, within 28 days of—

- (i) your authority’s code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
- (ii) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 18.3.1(b)(i), in your authority’s register of members’ interests by providing written notification to your authority’s monitoring officer.

(b) Subject to sub-paragraph 18.4.1(d), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 18.3.1(b)(i), register that new personal interest in your authority’s register of members’ interests by providing written notification to your authority’s monitoring officer.

(c) Subject to sub-paragraph 18.4.1(d), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 18.3.1(b)(i), register that change in your authority’s register of members’

interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(d) Sub-paragraphs 18.4.1(a),(b) and (c) do not apply to sensitive information determined in accordance with paragraph 18.4.2(a).

(e) Sub-paragraphs 18.4.1(a) and (b) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(f) You must, when disclosing a personal interest in accordance with paragraph 18.3.2 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.”;

18.4.2 Sensitive information

(a) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 18.4.1.

(b) You must, within twenty eight days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph 18.4.2(a) is no longer sensitive information, notify your authority's Monitoring Officer, or in relation to a community council, your authority's Proper Officer asking that the information be included in your authority's register of Members' interests.

(c) In this Code, “sensitive information” (“gwybodaeth sensitif”) means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

18.4.3 Registration of Gifts and Hospitality

You must, within twenty eight days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's Monitoring Officer, or in relation to a community council, to your authority's Proper Officer of the existence and nature of that gift, hospitality, material benefit or advantage.

APPENDIX 1 TO SECTION 18

CONDUCT OF MEMBERS – THE PRINCIPLES

1. SELFLESSNESS

Members must act solely in the public interest. They must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

2. HONESTY

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

3. INTEGRITY AND PROPRIETY

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

4. DUTY TO UPHOLD THE LAW

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

5. STEWARDSHIP

In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

6. OBJECTIVITY IN DECISION-MAKING

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

7. EQUALITY AND RESPECT

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

8. **OPENNESS**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

9. **ACCOUNTABILITY**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

10. **LEADERSHIP**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

APPENDIX 2 TO SECTION 18

PROTOCOL - STANDARD OF CONDUCT EXPECTED BY MEMBERS

This protocol sets out the standards of conduct expected from Members within the Vale of Glamorgan Council in dealing with each other. It should be read in conjunction with the Members' Code of Conduct and the Member/Officer Protocol. It adds to these documents and does not detract from them.

The protocol will be interpreted widely and applies to all oral and written communications, which may include (but is not limited to) e-mail, text messages, and comments appearing on any social media websites such as Twitter and Facebook and/or appearing in the press.

Members are expected to:

1. PUBLIC BEHAVIOUR

- 1.1 show respect to each other;
- 1.2 not to make personal abusive comments about each other;
- 1.3 not to publish anything insulting about each other;
- 1.4 not to make malicious allegations against each other;
- 1.5 not to publish or spread any false information about each other;
- 1.6 show respect to diversity and equality.

2. BEHAVIOUR IN MEETINGS

- 2.1 behave with dignity;
- 2.2 show respect to the Chair and obey his/her decisions;
- 2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society.

3. CONFIDENTIALITY

- 3.1 keep the confidentiality of exempt papers and any other documents which are not public;
- 3.2 not to release confidential information to the press or the public;
- 3.3 not to use confidential information for purposes other than intended.

4. LOCAL MEMBERS

- 4.1 work with Members of adjoining electoral divisions for the benefit of the locality;
- 4.2 if dealing with any matter relating to another electoral division:

- 4.2.1 explain to anyone seeking assistance that he/she is not the local Member;
- 4.2.2 inform the local Member, unless it would lead to a breach of confidentiality.

APPENDIX 3 TO SECTION 18

LOCAL DISPUTE RESOLUTION PROCEDURE FOR DEALING WITH LOW LEVEL ALLEGATIONS OF BREACHES OF THE MEMBERS' CODE OF CONDUCT AND THE VALE OF GLAMORGAN COUNCIL'S PROTOCOL - STANDARD OF CONDUCT EXPECTED BY MEMBERS

INTRODUCTION

1. The Public Services Ombudsman for Wales' Guidance on the Code of Conduct for Members of Local Authorities in Wales (September 2012) expects Local Authorities throughout Wales to implement a Local Dispute Resolution Procedure to deal with low level complaints which are made by a Member against a fellow Member.
2. This Procedure is introduced to meet the Public Services Ombudsman for Wales' ("the Ombudsman") above expectations.
3. Typically the following will fall within the category of low level complaints:
 - 3.1 failure to show respect and consideration for others contrary to paragraph 4(b) of the Members' Code of Conduct ("the Code") and
 - 3.2 making vexatious, malicious or frivolous complaints against other Members under paragraph 18.2.6(d) of the Code.

Other breaches of the Code may also be determined by the Monitoring Officer to be low level complaints and dealt with under the Vale of Glamorgan Council's Local Dispute Resolution Procedure ("the Procedure").

4. The Procedure is to be read in conjunction with the Code and the Council's Protocol - Standard of Conduct Expected by Members ("the Protocol").
5. The Protocol establishes the behaviour which is acceptable and unacceptable between Members. It sits alongside the Code and fills the gap between behaviour which possibly in itself is not serious, but creates unpleasantness between Members, and behaviour that is approaching the threshold and serious enough for the Ombudsman to hold an investigation. Breaches of the Protocol will also be dealt with under this Procedure.
6. The Ombudsman assumes that where a Member repeatedly breaches this Procedure, the Monitoring Officer will refer the matter to the Ombudsman.
7. Members will continue to be able to complain directly to the Ombudsman where a breach of the Code has occurred. Should the complainant exercise that right then this procedure will not be used, and any efforts to resolve a complaint using this procedure will be stopped. The process will only resume if the matter is referred back for local resolution.
8. The Procedure applies to Vale of Glamorgan Council Member complaints against a fellow Member, and not Members of Town and Community Councils. Complaints made by the public will not be dealt with under this Procedure.

9. The key objectives of the Procedure are:
 - 9.1 resolve low level allegations of breaches of the Code and Protocol locally and quickly,
 - 9.2 avoid unnecessary escalation of the situation which might impact on personal relationships within the Council and damage the Council's reputation,
 - 9.3 avoid unnecessary involvement of the Ombudsman so that his resources are devoted to the investigation of more serious or repeated complaints.

GENERAL PRINCIPLES

10. Members will make all reasonable efforts to resolve disputes via the Procedure.
11. Group Leaders individually and collectively will work to ensure compliance with the Procedure.

WORKING TO AVOID PROBLEMS

12. To minimise the number of instances of alleged breaches the Council has committed to:
 - 12.1 a Member Development Strategy
 - 12.2 providing relevant Member training events.

STAGE 1 OF THE PROCEDURE

13. Any Member who wishes to submit an allegation under the Procedure is to send the complaint to the Monitoring Officer. Following receipt of the complaint the Monitoring Officer or the Deputy Monitoring Officer will indicate whether the allegation may be dealt with under this Procedure or whether it should be referred to the Ombudsman as an allegation of breach of the Code.
14. If the Member wishes to proceed with the allegation under this Procedure the matter may be referred either to a conciliation meeting (Stage 2) or to a hearing by an independent member of the Standards Committee ("the Independent Member") (Stage 3).

STAGE 2 OF THE PROCEDURE

CONCILIATION MEETING

- 15.1 A meeting will be held between the Member making the complaint, the Member against whom the complaint is made, the Leader of the Political Group for the Member who is the subject of the complaint and the Managing Director (or a nominated Director as determined by the Managing Director). The purpose of this meeting will be to attempt to resolve the matter. If deemed necessary the Managing Director or the nominated Director may call

on the Monitoring Officer or the Deputy Monitoring Officer for advice and assistance.

- 15.2 Where the complaint is made by or concerns a Group Leader, or concerns a non-aligned or unaffiliated Member, the conciliation meeting will be attended by the Member making the complaint, the Member against whom the complaint is made, the Managing Director (or a nominated Director as determined by the Managing Director) and the Monitoring Officer or the Deputy Monitoring Officer.

STAGE 3 OF THE PROCEDURE

HEARING

16. The third stage is a hearing before the Independent Member nominated by the Chair of the Standards Committee (the nomination will be on a rotational basis subject to availability). The Member making the complaint will be asked to submit the substance of his/her complaint in writing and the Member concerned will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be provided to the Independent Member (copies of the same are to be exchanged between the Members involved in the complaint in advance of being provided to the Independent Member).
17. Both Members involved in the complaint have the right to appear before the Independent Member and to submit evidence from witnesses. Both Members will have the right to representation. The Council will not meet the costs of representation.
18. If either side wishes not to be present or fails to attend, the hearing may be held in their absence.
19. After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Independent Member will come to a conclusion on the allegation. The Monitoring Officer or Deputy Monitoring Officer will attend the hearing throughout and advise the Independent Member.
20. The Independent Member may come to one of three conclusions, namely:-
- 20.1 That there is no basis to the complaint.
 - 20.2 That there is a basis to the complaint but that no further action is required.
 - 20.3 That there is a basis to the complaint and that the Member be censured.

In addition the Independent Member may make recommendations to the Council regarding changing any procedures or taking any further action.

SUPPLEMENTARY MATTERS

21. Publicity will not be given to the names of the Members involved in the complaint unless it is decided that there is a basis to the complaint and that the Member be censured.
22. The hearing at Stage 3 will be dealt with in private.
23. Stages 2 and 3 do not have to be followed sequentially. Although it is possible for the Member submitting the complaint who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Independent Member it is also possible for a matter to proceed directly to the hearing before the Independent Member without going first to a conciliation meeting.
24. There is no internal right of appeal against the decision made by the Independent Member at Stage 3 of the Procedure.